



Los Angeles County  
Department of Regional Planning

*Planning for the Challenges Ahead*



Richard J. Bruckner  
Director

February 26, 2015

Dr. Jan Green Rebstock  
City of Los Angeles, Public Works Engineering  
1149 South Broadway, Suite 600  
Los Angeles, CA 90015

**REGARDING: PROJECT NO. R2014-01462-(4)  
COASTAL DEVELOPMENT PERMIT NO. 201400003  
PUBLIC RIGHT-OF-WAY MARQUESAS WAY AND VIA MARINA WAY**

The Regional Planning Commission, by its action of **February 25, 2015** has **APPROVED** the above-referenced project. Enclosed are the Commission's Findings and Conditions of Approval. Please carefully review each condition. This approval is not effective until the appeal period has ended and the required documents and applicable fees are submitted to the Regional Planning Department.

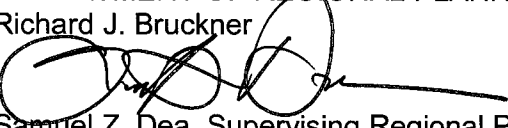
The applicant or any other interested persons may appeal the Regional Planning Commission's decision. The appeal period for this project will end at 5:00 p.m. on **March 11, 2015. Appeals must be delivered in person.**

**Appeals: To file an appeal, please contact:**  
Executive Office of the Board of Supervisors  
Room 383, Kenneth Hahn Hall of Administration  
500 West Temple Street, Los Angeles, CA 90012  
(213) 974-1426

Upon completion of the appeal period, the notarized Affidavit of Acceptance and any applicable fees must be submitted to the planner assigned to your case. In addition, any applicable CEQA fees for the Department of Fish and Wildlife shall be paid, and a Notice of Determination, if applicable, must be filed with the County Clerk according to the instructions with the enclosed Affidavit of Acceptance. Please make an appointment to ensure that processing will be completed in a timely manner. Failure to submit these documents and applicable fees within 60 days will result in a referral to Zoning Enforcement for further action.

For questions or for additional information, please contact Anita D. Gutierrez at (213) 974-4813, or by email at [agutierrez@planning.lacounty.gov](mailto:agutierrez@planning.lacounty.gov). Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,  
DEPARTMENT OF REGIONAL PLANNING  
Richard J. Bruckner

  
Samuel Z. Dea, Supervising Regional Planner  
Special Projects Section

Enclosures: Findings, Conditions of Approval, Affidavit of Acceptance (Permittee's Completion),  
c: Board of Supervisors; DPW (Building and Safety); Zoning Enforcement;

SD:AG

**FINDINGS OF THE REGIONAL PLANNING COMMISSION AND ORDER  
COUNTY OF LOS ANGELES  
PROJECT NO. R2014-01462-(4)  
COASTAL DEVELOPMENT PERMIT NO. 201400003**

1. The Los Angeles County ("County") Regional Planning Commission ("Commission") conducted a duly-noticed public hearing in the matter of Coastal Development Permit No. 201400003 ("CDP") on February 25, 2015.
2. The permittee, City of Los Angeles ("permittee" or "City"), requests the CDP pursuant Los Angeles County Code ("County Code") section 22.46.1110 to authorize the construction of a new 54-inch diameter force main sewer line through the unincorporated County community of Marina del Rey ("Project"). The Project will require the construction and installation of approximately 0.75 miles of sewer line within unincorporated County territory, through portions of Marquesas Way and Via Marina, and within County Parking Lot 13 north of the Marina del Rey Channel. The Project is a component of a larger sewer construction project being conducted by the permittee, stretching approximately two miles from the Venice Pumping Plant within the City of Los Angeles to south of the Marina del Rey Channel entrance and Ballona Creek. The CDP request is to authorize construction of that portion of the sewer line within unincorporated County territory only.
3. The Project site is approximately 0.75 miles in length within the public right-of-way along portions of Marquesas Way and Via Marina, and within County Parking Lot 13 (collectively, "Project Site"). The Project Site is linear in shape as it follows the roadway (Marquesas Way and Via Marina) and is developed with a four lane roadway with center median divider and a 136 space public parking lot.
4. The Marina del Rey Land Use Policy Map depicts the Project Site within the area identified as public right-of-way for that portion of the Project Site within Marquesas Way and Via Marina, and within the Parking land use category for that portion of the Project Site within County Parking Lot 13.
5. The Project Site is located within the Playa del Rey Zoned District and is zoned Specific Plan within the Marina del Rey Local Coastal Program ("LCP"), which was certified by the California Coastal Commission in 2012. The LCP is comprised of two components, the Marina del Rey Land Use Plan ("LUP") and the Local Implementation Plan ("LIP"). The LIP is also referred to as the Specific Plan.
6. Surrounding Zoning within a 500-foot radius includes:
  - North: Residential IV and Residential V
  - South: Water
  - East: Residential IV/Residential V/Hotel and Open Space
  - West: Open Space/Public Parking and City of Los Angeles

7. Surrounding land uses within a 500-foot radius include:

North: Multi-family apartments  
South: Main Channel  
East: Multi-family apartments and vacant land  
West: Single-Family residential and Multi-family residential

8. The sewer line crosses City and County boundaries. Previous actions for the Project by the City, include: certification of the Environmental Impact Report (EIR) for the entire sewer line, including the Project, on January 12, 2010; and a coastal development permit application pending before the City Engineer for the landside portions of the sewer line within the City's jurisdiction. Additionally, the City will be required to obtain a coastal development permit from the California Coastal Commission for portions of the sewer line which will be located under the water. The City has not filed its coastal development permit application with the California Coastal Commission as of the making of these findings.
9. The site plan for the Project depicts five (5) jacking sites (areas of construction) at least 30 feet wide, which includes a total of five (5) pits (also referred to as shafts) to be located in the unincorporated County territory. Each pit would be 16 to 20 feet in diameter. The pits are to be located as follows: 1) intersection of Marquesas Way and Via Marina, 2) on Via Marina near Tahiti Way, 3) Via Marina just north of Bora Bora Way, 4) Via Marina near Via Dolce; and 5) in County Parking Lot 13 near Via Marina. The construction timeframe for the entire sewer line is estimated at 36 months, which includes approximately 20 months for the Project in the unincorporated County territory.
10. The Project Site is accessible via Marquesas Way and Via Marina to the north. Primary access to the Project Site will be Via Marina.
11. The County Department of Public Works ("Public Works") recommends approval of this Project and has recommended conditions of approval regarding road conditions, construction, grading, drainage and traffic. The County Fire Department ("Fire Department") recommends approval of this Project and has recommended a condition of approval to require the City or the City's construction contractor to notify the Station 110 of the Fire Department at least 3 days in advance of any street closures or water service interruption due to the proposed improvements within the Marina del Rey area. The conditions recommended by Public Works and the Fire Department are incorporated into the conditions of approval for the Project.
12. The City certified the EIR for the sewer line, including the Project, on January 12, 2010. The City is the "lead agency" for the Project pursuant to the California Environmental Quality Act ("CEQA"), and the County is a "responsible agency" for the Project. Acting on behalf of the County as responsible agency, the Commission has considered the environmental effects of the Project as analyzed in the EIR prior to reaching a decision on the Project.

13. Pursuant to the provisions of County Code sections 22.60.174 and 22.60.175, the community was appropriately notified of the Project's public hearings by mail, newspaper, and property posting, library posting, and DRP website posting. Approximately 4,500 notices were sent out.
14. Prior to the Commission's public hearing, the Department of Regional Planning ("Regional Planning") staff received eight (18) letters in opposition to the Project. All of the letters opposed the Project route and requested alternative routes be pursued. Additionally, four of the letters express concern regarding retaining existing left turn pocket lanes at various intersections along Via Marina, and requested that construction shafts be shifted away from intersections. After discussion with the City the left turn pocket lanes will be incorporated into the traffic control plan.
15. A duly noticed public hearing was held on February 25, 2015 before the Commission. Commissioners Valadez, Louie, Pedersen and Modugno were present. No Commissioners were absent. The Commission heard a presentation from Regional Planning staff and testimony from representatives of the permittee and members of the public. The applicant's representative, Dr. Jan Green Rebstock presented testimony in favor of the request. The Commission asked the following questions: why construction pit number six is located on the east side of the street and not the west side, what noise producing activity is involved in the one-hour setup and teardown activity, will gas monitoring be continuous, and why more parking spaces in County Parking Lot are not being used for the Project. Dr. Jan Green Rebstock, Fred Burnett and Abid Chowdhry representing the City proved responses to the Commission's questions. The City stated that pit number six is located on the east side of the street and not the west side, due to the location of known oil well and due to the curvature of the street the pit were located in a way to ensure the underground pipe stays within the public right-of-way. The City stated that noise producing activity involved in the one-hour setup and teardown timeframe typically includes, construction meetings, equipment warm-up and re-fueling of equipment. The City stated that gas monitoring would be continuous at the construction pit locations. The City state that they did not want to utilize all of the public parking spaces in County Parking Lot 13 because they believed available public parking for coastal access was important to the California Coastal Commission. Three members of the public spoke with favor of the project citing possible environmental risks such as sewage spillage if the project was not completed. Nine members raised concerns with the project related to traffic impacts, construction pit locations, oil well detection. The concerns raised were addressed by the applicant in response to questions from the Commission.

Also, during the Commission's February 25, 2015 public hearing, Regional Planning staff recommended changes to condition of approval number twenty-three to include a southbound turn lane from Via Marina onto Marquesas Way, Tahiti Way, Bora Bora Way and NW Passage remain open at all times, throughout duration of the project. Additionally, the Commission made an addition to the conditions of approval to include a requirement that the City conduct a quarterly meeting with the Los Angeles County Department of Public Works and other County agencies as

needed to discuss the implementation of the Traffic Control Plan and determine if changes should be made.

There being no further testimony, the Commission closed the public hearing and adopted the recommended changes by staff and agreed to by the applicant.

16. The Commission finds that the Project is an infrastructure project intended to provide conveyance capacity, pipeline redundancy and maintenance opportunities to ensure wastewater is adequately treated. The continued maintenance and conveyance capacity of the sewer system is necessary to provide adequate sewer service to existing development in Marina del Rey and for the future build-out of Phase II development (defined in LCP as all development authorized under the 2012 LCP) .
17. The Commission finds that the Project would assist in providing a well maintained, functioning sewer system that provides for sewer capacity for existing and anticipated development in Marina del Rey. The Commission further finds, therefore, that the Project is consistent with the land use designations on the Project Site.
18. The Commission finds that the Project would be constructed using a micro-tunneling (boring) method with tunneling ranging from approximately 50 to 70 feet below the ground surface. Boring is a trenchless construction method which utilizes hydraulic jacks to push pipes through the ground behind a remotely operated tunnel boring machine (TBM). Unlike conventional trenching techniques that require excavation for the entire length of the pipeline, excavation for tunneling is limited to the specific designated endpoints referred to as launching (jacking) and receiving pits. The launching pit contains the hydraulic jacks used to push the pipes, and the receiving pit is used to recover the TBM at the end of each drive.
19. The Commission finds based on the evidence in the record that the micro-tunneling method proposed to be used by the City for the majority of the Project is the least environmentally impactful method of Project construction.
20. Prior to the Commission's public hearing on the Project, the Project design was reviewed by the Marina del Rey Design Control Board ("DCB"). The DCB reviewed the City's landscape proposal, which identified five (5) trees to be removed and replaced within County Lot 13.
21. The Commission finds that the DCB recommendations were addressed by the requirement of the permittee to replace the five (5) impacted trees in County Parking Lot 13 with minimum 48" box specimens of the same species. The DCB recommended boxing and replanting the removed trees in place to minimize impacts, however that was subsequently deemed infeasible as the trees would not likely survive removal, boxing, and re-planting due to their size or in the event the trees survived, they were not likely to retain their structural integrity and could fall due to severely impacted root systems.

22. The Commission finds that the Project is located within the public right-of-way and a portion of a County parking lot, that the intended use for rights-of way are public infrastructure, and that there are no development standards set forth in Title 22 of the County Code ("Zoning Code") which are applicable to the Project.
23. The Commission finds that the Project conforms to the requirements of the certified LCP. The construction and operation of a new force sewer main line is consistent with the certified LCP because its operation will provide needed wastewater conveyance capacity that will help avoid impacts to biological and water resources. The Commission further finds that design, construction, and operation of the Project will conform to applicable policies set forth in the certified LCP.
24. The Commission finds that the Project will adequately addresses traffic concerns through the MMRP and conditionals of approval including the added condition of requiring a southbound turn lane from Via Marina onto Marquesas Way, Tahiti Way, Bora Bora Way and NW Passage remain open at all times, throughout duration of the project and a quarterly meeting with the City and the Los Angeles County Department of Public Works and other County agencies as needed to discuss the implementation of the Traffic Control Plan and determine if changes should be made.
25. The Commission finds that the Project conforms to the public access and public recreation policies of Chapter 3 of Division 20 of the Public Resources Code (California Coastal Act). The Project is located in the public right-of-way within the first public road nearest the sea. The Commission further finds that the Project is appropriately conditioned to require the permittee to submit a traffic control plan to the Los Angeles County Department of Public Works for review and approval, which will minimize impacts to pedestrians, bicyclists, transit, and vehicular access and circulation during construction activities.
26. The Commission finds that the Project would result in the following significant and unavoidable adverse impacts after mitigation: 1) Oxides of nitrogen (NOx) produced during construction would exceed the thresholds for significance established by the South Coast Air Quality Management District (SCAQMD); 2) Tunneling and the need to construct the sewer under water bodies, could damage or destroy archaeological and paleontological resources; 3) Construction activities could cause noise impacts to sensitive receptors, such as residents in the vicinity of construction sites; and 4) Construction activities will have a short-term but significant adverse effect on visual and aesthetic resources.
27. The Commission finds that that the Project has specific environmental social, technological, and other benefits that outweigh the Project's unavoidable adverse environmental effects. The Project's benefits include: 1) The Project will provide additional conveyance capacity from Venice Pumping Plant needed to manage peak flows of effluent. The potential adverse public health and environmental consequences of effluent overflows are severe, including potential raw sewage spillage into Ballona Lagoon, and the avoidance of such environmental consequences clearly outweigh the adverse impacts associated with construction

and operation of the project. 2) The Project will provide additional protection against the risk of system failure in a critical link in the wastewater conveyance system that serves unincorporated community of Marina del Rey and other communities. Avoiding the potential adverse consequences on public health and the environment of system failure, which include disruption in service and a raw sewage spillage, clearly outweighs the adverse impacts associated with construction and operation of the project. 3) The Project will allow the existing force main sewer to be bypassed for inspection, maintenance and repair. 4) The Project will maintain the City's compliance with the National Pollution Discharge Elimination System, which requires that the City maintain its current sanitary sewer systems in order to prevent accidental discharges. Without the Project, the existing sanitary sewer system cannot be adequately maintained without disrupting service to the public. The Commission further finds that the forgoing Project benefits outweigh the Project's significant adverse effects on the environment, and warrant the adoption of a Statement of Overriding Considerations pursuant to Public Resources Code section 15093.

28. The Commission finds that, to ensure continued compatibility between the Project and the surrounding land uses, it is necessary to limit the grant term of the CDP to five (5) years.
29. The Commission finds that pursuant to sections 22.60.174 and 22.60.175 of the County Code, the community was properly notified of the public hearing by mail, newspaper, and property posting. Additionally, the Project was noticed and case materials were available on Regional Planning's website and at libraries located in the vicinity of the Marina del Rey community. On January 21, 2015 a total of 4,500 Notices of Public Hearing were mailed to all property owners/tenants as identified on the County Assessor's record within a 500-foot radius from the Project Site, as well as twenty-two (22) notices to those on the courtesy mailing list for the Playa Del Rey Zoned District and to any additional interested parties.
30. The Commission finds that the permittee is subject to payment of the California Department of Fish and Wildlife fees related to the Project's effect on wildlife resources pursuant to section 711.4 of the California Fish and Game Code.
31. The Commission finds that a mitigation monitoring and reporting program ("MMRP") has been prepared in conformance with CEQA Section 21081.6 and that the intent of the MMRP is to: 1) verify satisfaction of the required mitigation measures of the EIR, 2) identify monitoring responsibility, 3) establish administrative procedures for the clearance of mitigation measures; and 4) establish the frequency and duration of monitoring. In addition to the City's MMRP, the County has prepared a separate MMRP to enforce the mitigation measures within the County territory.
32. The Commission finds that the MMRP, prepared in conjunction with the EIR, and the separate County prepared MMRP identifies in detail how compliance with its measures will mitigate or avoid potential adverse impacts to the environment from the Project. The Commission further finds that the MMRP's requirements are incorporated into the conditions of approval for this Project, and that approval of this

Project is conditioned on the permittee's compliance with the attached conditions of approval and MMRP.

33. The Commission after having reviewed and considered the MMRP, prepared in conjunction with the Final EIR finds that it sufficiently mitigates potential adverse impacts to the environment from the Project. The Commission further finds that the County MMRP sufficiently mitigates potential adverse impacts to the environment from the Project within the County territory and appropriately identifies monitoring agencies as well frequency and duration of monitoring.
34. The Commission finds that the MMRP, prepared in conjunction with the Final EIR and the separate County prepared MMRP identifies in detail how compliance with its measures will mitigate or avoid potential adverse impacts to the environment from the Project and that it is consistent with the conclusions and recommendations of the Final EIR and that the MMRP's requirements are incorporated into the conditions of approval for the Project.
35. The Commission finds that the Draft EIR, Final EIR volume, MMRP, Statement of Overriding Considerations, Findings of Fact and appendices constitute the complete Final EIR ("Final EIR").
36. The Commission, after having reviewed and considered the Final EIR along with its associated MMRP, and Findings of Fact and Statement of Overriding Considerations for the Project, all prepared in accordance with CEQA (SCH No. 2003031001) and certified by the City as lead agency finds that they reflect the independent judgment of the Commission. The Findings of Fact and Statement of Overriding Considerations are incorporated herein by this reference, as though set forth in full.
37. The location of the documents and other materials constituting the record of proceedings upon which the Commission decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Special Projects Section, Department of Regional Planning.

**BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION  
CONCLUDES THAT:**

- A. The proposed development is in conformity with the certified Marina del Rey Local Coastal Program; and,
- B. Any development, located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, is in conformity with the public access and public recreation policies of Chapter 3 of Division 20 of the Public Resources Code.

**THEREFORE, THE REGIONAL PLANNING COMMISSION :**

1. Acting on behalf of the County as responsible agency pursuant to the CEQA, and having reviewed and considered the EIR (SCH No. 2003031001) prepared for the project and certified by the lead agency, City of Los Angeles, adopt the CEQA Findings and Statement of Overriding Considerations and the County's Mitigation Monitoring and Reporting Program prepared for the Project.
2. Approves Coastal Development Permit No. 201400003, subject to the attached conditions.

**ACTION DATE: February 25, 2015**

**VOTE: 4:0:0:0**

Concurring: Valadez, Louie, Pedersen, Modugno

Dissenting: 0

Abstaining: 0

Absent: 0

SD:AG  
2/26/15

c: Each Commissioner, Zoning Enforcement, Building and Safety

**CONDITIONS OF APPROVAL  
COUNTY OF LOS ANGELES  
PROJECT NO. R2014-01462-(4)  
COASTAL DEVELOPMENT PERMIT NO. 201400003**

**PROJECT DESCRIPTION**

The project includes the construction and operation of a new 54-inch diameter force main sewer line approximately two miles in length, 0.75 miles of which is located within the unincorporated Los Angeles County jurisdiction. The alignment begins at the Venice Pumping Plant, proceeds east under the Grand Canal along Marquesas Way then goes southeasterly on Via Marina and through portions of County Parking Lot 13. The line continues under the main marina channel and along Vista del Mar to the junction structure at Vista del Mar and Waterview Street. The new force main sewer would be constructed using micro tunneling methods, utilizing pits or shafts for installation. Depth will range from 50-70 feet below the surface, subject to the following conditions of approval:

**GENERAL CONDITIONS**

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and until all required monies have been paid pursuant to Condition Nos. 8, 9, and 12. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, 7, and 9 shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate reasonably in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.

5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, administrative record preparation, attorneys' fees, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the entire grant shall be void and the privileges granted hereunder shall lapse.
7. This grant shall expire unless used within five (5) years from the date of final approval of the grant. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.
8. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **\$800.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for **Number of Inspections four (4) biannual (twice per year)** inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200.00 per inspection, or the current

recovery cost at the time any additional inspections are required, whichever is greater.

9. Within five (5) working days of the final approval date of this grant, the permittee shall remit processing fees payable to the County of Los Angeles in connection with the filing and posting of a Notice of Determination (NOD) for this project and its entitlements in compliance with Section 21152 of the Public Resources Code or provide proof or prior payment. Unless a Certificate of Exemption is issued by the California Department of Fish and Wildlife pursuant to Section 711.4 of the California Fish and Game Code, the permittee shall pay the fees in effect at the time of the filing of the NOD, as provided for in Section 711.4 of the Fish and Game Code, currently **\$3,104.75** (\$3,029.75 for an Environmental Impact Report plus \$75.00 processing fee.) No land use project subject to this requirement is final, vested or operative until the fee is paid.
10. The permittee must comply with all mitigation measures and monitoring and reporting requirements set forth in the Mitigation Monitoring Program ("MMP"), which is attached to these conditions and made a part hereof by this reference, as though set forth fully herein.
11. Within thirty (30) days of the date of final approval of the grant by the County, the permittee shall sign the Mitigation Monitoring Program ("MMP") and agree to comply with the mitigation measures imposed by the Environmental Impact Report for this project. The permittee shall submit annual mitigation monitoring reports to Regional Planning for approval or as frequently as may be required at the discretion of Regional Planning. The reports shall describe the status of the permittee's compliance with the required mitigation measures.
12. The permittee shall deposit an initial sum of **\$6,000.00** with Regional Planning within thirty (30) days of the date of final approval of this grant in order to defray the cost of reviewing and verifying the information contained in the reports required by the MMP. The permittee shall replenish the mitigation monitoring account if necessary until all mitigation measures have been implemented and completed.
13. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.
14. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of said department.
15. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.

16. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").
17. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.
18. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of notification of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

19. The subject property shall be developed and maintained in substantial conformance with the plans marked Exhibit "A." If changes to any of the plans marked Exhibit "A" are required as a result of instruction given at the public hearing, **three (3) copies** of a modified Exhibit "A" shall be submitted to Regional Planning by **April 27, 2015**.
20. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **three (3) copies** of the proposed plans to the Director for review and approval. All revised plans must substantially conform to the originally approved Exhibit "A". All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

#### PROJECT SITE SPECIFIC CONDITIONS

21. Within 60 days of completion of construction activities on County Parking Lot 13, the permittee shall plant five trees in County Parking Lot 13, consisting of three Italian Stone Pine trees and two Paper Bark trees, with 48-inch or greater box specimens , to the satisfaction of Regional Planning.
22. The permittee shall ensure all trees along Via Marina shall be protected in place (with exception of the 5 trees in County Parking Lot 13). Prior to the start of construction activities, the permittee shall consult with a registered consulting

arborist with the American Society of Consulting Arborists to ensure protection and preservation of street trees along Via Marina during construction.

23. A minimum of one through-lane in each direction on Via Marina and a southbound turn lane from Via Marina onto Marquesas Way, Tahiti Way, Bora Bora Way and NW Passage shall remain open at all times, throughout duration of the project.
24. All vehicular driveway entrances and exits on Marquesas Way and Via Marina shall remain unobstructed at all times throughout the duration of the project.
25. The permittee shall comply with Marina del Rey Local Coastal Program tree management polices 23 and 34 for all tree pruning or removals.
26. The permittee shall comply with all conditions set forth in the attached County Public Works Department letter dated December 17, 2014.
27. The permittee shall comply with all conditions set forth in the attached County Fire Department letter dated June 25, 2014, which states that the permittee shall notify the County of Los Angeles Fire Department, Station 110, at least 3 days in advance of any street closures or water service interruption due to the proposed improvements within the Marina del Rey area.
28. Prior to issuance of any construction or other permits by the County, the permittee shall submit to the County an acoustical analysis for construction work performed outside of the times stated in condition 29a (below), to the satisfaction of the Department of Public Health. The acoustical analysis should take into account but not be limited to the average ambient noise levels during night time (5:00 p.m. – 8:00 a.m.) and compare with projected construction noise to include maximum noise levels as well as average or Leq construction noise levels during this period. Additionally, the analysis shall include noise specification for all activities (including loading and unloading) and shall include protocols for noise control in the event emergency work needs to be performed.
29. The following conditions shall apply to project construction activities:
  - a. All construction activity including but not limited to the prepping or warming up of heavy equipment, shall take place only between the hours of 8:00 a.m. to 5:00 p.m., Monday through Saturday. No construction shall occur on Sundays and legal holidays, except as provided in this Condition No. 29.
  - b. Requests for any deviation from the construction hours specified in subsection (a) of this Condition No. 29 will be considered by the County Departments of Public Health and Beaches and Harbors and Public Works on case-by-case basis. Requests must include the type of activity to be conducted and equipment to be used, the reason for extended hours, duration of activity and the applicable mitigation measures submitted in the acoustical analysis described in Condition No. 28. Requests should

be submitted at least 15 calendar days prior to the desired start date of the deviation, to the County Departments of Public Health and Beaches and Harbors and Public Works. The permittee shall not proceed with the deviation unless and until all three County departments have granted approval to proceed. The County reserves the right to deny any request to perform construction activities outside the designated construction hours.

- c. Mobile and stationary equipment must be acoustically isolated through the use of mufflers, equipment enclosures, equipment placement, isolation platforms and sound barriers around work areas in order to reduce construction noise emissions. Permittee shall implement all noise mitigation measures listed in the MMRP (attached).
  - d. The permittee shall comply with the noise thresholds set forth in Title 12, Section 12.08.440 of the Los Angeles County Code.
  - e. As stated in Mitigation Measure NOI-11 of the VDFM EIR (SCH No. 2003031001), the on-site construction supervisor shall have the responsibility and authority to receive and resolve any noise complaints. In addition to what is stated in the Mitigation measure NOI-11, a phone number shall be provided for residents to call with any concerns and the construction supervisor will be required to maintain a call log, so that the County can track resolution and nature of any noise complaints. This call log containing the name and address (if available) of the complainant, including time and reason for call shall be provided to the County upon request and routinely on a bi-weekly basis. Further, residents shall be informed of the on-site construction supervisor contact information by posting of the phone number on the construction site and in the leasing offices of the residential developments along Via Marina.
30. In the event a deviation from the hours of 8:00 a.m. to 5:00 p.m., Monday through Saturday is granted, the following measures would apply, in addition to any other conditions set forth by the County Departments of Public Health and Beaches and Harbors and Public Works:
- a. No truck traffic is authorized outside of the hours of 8:00 a.m. to 5:00 p.m. and the contractor would be required to manage any removed soil onsite overnight as needed.
  - b. Nighttime lighting is to be shielded from the sky and directed away from resident windows.
  - c. All noise-producing construction equipment shall be equipped with shrouds and noise control features. Soundwall barriers shall be erected and of sufficient height, length, and configuration so as to provide substantial noise reduction for any equipment operating above ground. Only essential equipment, including but not limited to a crane, slurry machine, and generator

would be operated above ground during nighttime horizontal drilling operations.

31. Once construction has commenced, the permittee shall conduct a quarterly meeting with Los Angeles County Department of Public Works and other County agencies as needed to discuss the implementation of the Traffic Control Plan and determine if changes should be made.

Attachments:

Public Works Department Letter dated December 17, 2014

Fire Department letter dated June 25, 2014

City Mitigation Monitoring and Reporting Program (pages 1- 24)

City Mitigation Monitoring and Reporting Program Addendum (pages 1-7)

County Mitigation Monitoring and Reporting (pages 1-14)

SD:ADG

2/12/2015